Jim

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

January 28, 1992

VIA CERTIFIED MAIL - P124-434-160

January 28, 1992

Mr. Michael Reis, President
Pollution Control Industries of Indiana, Inc.
4343 Kennedy Avenue
East Chicago, Indiana 46312

Re: Regulatory Interpretation of
Off-Gases from Aerosol Cans
Pollution Control Industries of
Indiana, Inc.
East Chicago, Indiana
IND 00646943

Dear Mr. Reis:

The Indiana Department of Environmental Management (IDEM) acknowledges receipt of your letter dated October 31, 1991. The letter requests a regulatory interpretation of the off-gases or propellent from aerosol cans being a hazardous waste.

A hazardous waste determination must first be made on the aerosol cans coming on-site. If the waste aerosol cans are a characteristic hazardous waste as defined by 329 IAC 3-5 (40 CFR 261.21), then the off-gases would have to be evaluated to determine if they are still a characteristic hazardous waste. If the off-gases exhibit a characteristic of a hazardous waste, then they would have to be managed as a hazardous waste.

However, if the aerosol cans contain a P or U listed waste as defined in 329 IAC 3-6-4 (40 CFR 261.33) and those wastes are themselves fuels, then the off-gases would not be a hazardous waste.

The U.S. EPA has indicated that these aerosol can crushing units may be regulated as Subpart X units under 40 CFR 264. For further guidance on determining the regulatory status of these unit(s) contact Mr. Hak Cho, U.S. EPA, Region V, Indiana Technical Unit, 77 West Jackson Street, Chicago, Illinois 60604-3590.

File IC 2-
Lake

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IND 00646943

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file

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Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

June 15, 1992

Ms. Tita LaGrimas
Pollution Control Industries of Indiana
4343 Kennedy Avenue
East Chicago, Indiana 46312

Dear Ms. LaGrimas:

Re: Regulatory Status of Flare

This is in response to your request for information regarding the regulatory status under the hazardous waste rules of a flare used to burn propellents from an aerosol can recycling unit, and the regulatory status of the propellents while being stored prior to burning for disposal.

Under the hazardous waste rules the definition of solid waste includes contained gases. If the propellents exhibit any characteristic or are listed in the rules and the propellents are burned for disposal purposes as you have indicated the aerosol containers would be regulated as a hazardous waste and would be subject to container storage requirements prior to introduction into the aerosol can recycling unit.

Upon removing the gases from the containers, the hazardous waste gases which cannot be reclaimed or reused must be collected and disposed of in a permitted hazardous waste management unit. The use of a flare as you have proposed would be subject to permit requirements under the hazardous waste rules, and would require modification of your permit. It is estimated that a permit modification would take approximately one year to process. Please see 40 CFR 270.42 for the procedures governing permit modifications. The use of the flare would be considered thermal treatment and permiting would likely be under the provisions for miscellanious units.

If you should have any further questions regarding this matter, please contact Mr. Dave Berrey at 317/232-4417 or Mr. Jim Gross at 317/232-3398.

Sincerely,

Thomas Linson, Chief
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

Pollution
Control
Industries
of Indiana

4343 Kennedy Avenue
East Chicago, IN 46312
(219) 397-3951
FAX: (219) 397-6264

April 17, 1992

Mr. Dave Berry
Indiana Department of Environmental Management
105 South Meridian
Indianapolis, Indiana 46225

RE: Regulatory Status for Flare Use
for Ignitable Propellants

Dear Mr. Berry:

As we had discussed at our meeting on April 14, 1992, Pollution Control Industries of Indiana, Inc. is seeking guidance from the Indiana Department of Environmentla Management regarding the hazardous waste regulations for a flare used for ignitable propellants.

The issue are as follows:

Pollution Control Industries of Indiana, Inc. (PCII), is evaluating the use of a flare to burn off excess ignitable propellants from a aerosol can recycling unit. PCII's primary preference would be to use the propellants as a fuel, the propellants would consist of such gases as butane, propane, heptanes, hexanes, etc.). If the situation occurs where a user can not be found or the user can use only a limited amount of the gases, there would be a need to reduce the volume of propellants generated, and a on-site flare would accomplish this.

Pollution Control Industries of Indiana acknowledges that a permit or registration under the Clean Air Act (CAA) may be required but is unsure regarding the status of a flare under the hazardous waste regulations.

The specific questions the firm wishes to ask are as follows:

1) If the ignitable propellants are to be flared and not used as a fuel, what would be the regulatory status of the gases while being stored?

2) If the flare is regulated under the hazardous waste regulations, how would the unit be defined as a tank, miscellaneous unit or other.

PCI

See 5/1/95 letter also for file 1C1D

November 23, 1994

Mr. Victor P. Windle
Solid & Hazardous Waste Management
Indiana Department of Environmental Management
100 North Senate Avenue, #N1154
Indianapolis, IN 46206

Dear Mr. Windle:

Enclosed, pursuant to 270.72, please find a revised Part A application making a change in interim status to add two recycling units (the aerosol can unit and the shredding tower) now in operation at the Pollution Control Industries of Indiana, Inc. ("PCI") facility in East Chicago, Indiana. Each of these units has previously been handled by IDEM as exempt from permitting requirements when they process materials destined for energy recovery under 40 C.F.R. Part 266 Subpart H. However, EPA's October 17, 1994 memorandum regarding the "Regulation of Fuel Blending and Related Treatment and Storage Activities" signals a change in interpretation in the way such activities may be regulated by the State. Specifically, EPA has indicated that shredders and similar units may be regulated as miscellaneous units under 40 C.F.R. Part 264 Subpart X.

In light of this possible change in interpretation of existing statute, PCI wishes to remain in compliance with all RCRA requirements and now deems it appropriate to make a corollary change in interim status to include the aerosol unit and the shredding tower as interim status units. This change is necessary to comply with EPA's recent interpretation requirements indicated in EPA's October 17, 1994 memorandum. The appropriate forms are attached.

We appreciate your consideration of this matter and look forward to hearing from you.

Sincerely,

Tita LaGrimas, Director
Regulatory Affairs

TL/jd

Enclosure

Pollution Control Industries
4343 Kennedy Avenue, East Chicago, IN 46312
(219) 397-3951 FAX: (219) 397-6264

TWW

La

INDOOC

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

105 South Meridian Stre
P.O. Box 60
Indianapolis 46206-601
Telephone 317/232-860

Mr. Hak Cho
U.S. EPA, Region V
230 South Dearborn Street
Chicago, Illinois 60604

July 2, 1991

Re: Regulatory Status of
Miscellaneous Units for Marketers
of Hazardous Waste Fuel

Dear Mr. Cho:

Recently we received a request from a hazardous waste fuel marketer to include miscellaneous units (i.e. shredders) on their Part A. Outlined below is our interpretation of the regulations as it pertains to the regulation of these units under 40 CFR 260 thru 268.

1. Under 40 CFR 261.3(a)(2), the material the facility receives is a hazardous waste.

2. Under 40 CFR 261.6 (a)(2), Requirements for recycable materials, the recyclable materials are not subject to the requirements under this section, but are regulated under Subparts C through G of Part 266 of this chapter and all applicable provisions in Parts 270 and 124 of this chapter. Hazardous waste burned for energy recovery is regulated under Subpart D of 40 CFR 266 according to 40 CFR 261.6(a)(2)(ii).

3. 40 CFR 266.34 are the standards applicable to marketers of hazardous waste fuel. Under 40 CFR 266.34(c), the applicable provisions for storage are listed. The only applicable provisions listed are Subparts A through L of Part 264 and Subparts A through L of Part 265. This does not list Subpart X of Part 264 or Subpart Q of Part 265 as applicable provisions.

4. Since Subpart X of Part 264 and Subpart Q of Part 265 are not listed as applicable provisions, these units would be exempt from permit requirements or interim status requirements for a facility.

We therefore conclude that these units do not require a permit at this time. This interpretation also seems to be consistent with other recycling or treatment units being exempt (i.e. a tank used only for blending). However, after conversations with U.S. EPA Headquarters, we have been informed that these unit are regulated under the permit requirements.

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IND 000 6

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN STREET
CHICAGO, IL 60604

SEP 9 9 38 AM '

REPLY TO THE ATTENTION OF:
5HR-JCK-13

SEP 0 4 1991

Mr. Thomas E. Linson, Chief
Hazardous Waste Management Branch
Indiana Department of Environmental Management
105 S. Meridian Street
Indianapolis, IN 46206-6015

Dear Mr. Linson:

Thank you for your letter dated July 2, 1991, concerning the regulatory status of Subpart X units for hazardous waste fuel marketers. The United States Environmental Protection Agency (U.S. EPA) Region V agrees with the Indiana Department of Environmental Management (IDEM) in its interpretation that 40 CFR 266.34 does not include 40 CRR 266.600, Subpart X, in its provisions as to what types of units are regulated. Thus, any miscellaneous unit could not be regulated under 40 CFR 266 Subpart D.

However, IDEM should consider regulating shredding operations as ancillary equipment if it is physically connected to a RCRA regulated unit such as a tank. Tank or container storage is regulated under 40 CFR 264 Standards when hazardous waste is burned for energy recovery, 40 CFR 266, Subpart D. Additionally, 40 CFR 270.32 (b)(2) allows any other conditions determined necessary to protect human health and the environment, and this would allow us to impose conditions on any potentially exempt units. The U.S. EPA, Office of Solid Waste, may have a different interpretation of the applicability of Subpart X units at hazardous waste fuel marketers, and we will continue to investigate their position and update IDEM on this issue.

If you have any questions concerning this letter, please contact Joe DiMatteo of my staff at (312) 886-3740.

Sincerely,

Hak Cho, Chief
Indiana Section
RCRA Permitting Branch

cc: Jim Gross, IDEM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: SEP 24 1991

SUBJECT: Clarification of Permitted Activities at Fuel-Blending Facilities

FROM: David A. Ullrich, Director
Waste Management Division (5H-12) ORIGINAL SIGNED BY DAVID A. ULLRICH

TO: Sylvia K. Lowrance, Director
Office of Solid Waste (OS-300)

The purpose of this memorandum is to request Headquarters input on regulatory interpretations made by Region V, specific to hazardous waste fuel-blending facilities. Three issues have been raised recently concerning these facilities. The first issue pertains to a Regional determination on the RCRA permit requirements for various unit processes in a fuel-blending operation. The second issue concerns the Btu restrictions currently in effect, and those which will become effective due to the Boiler and Industrial Furnace (BIF) Final Rule. The last issue pertains to the RCRA regulatory requirements specific to unit processes which increase the Btu value of hazardous waste fuel.

A Regional facility recently requested a determination concerning the RCRA permit requirements which are applicable to its fuel-blending process. A diagram illustrating the process is attached. This facility briefly described its process as one which receives waste fuel stock in liquid and solid form and recycles the fuel stock, for shipment to a cement kiln. The facility also indicated that it considers the fuel, "recyclable materials", pursuant to 40 CFR 261.6(a)(2)(ii), and thus exempt from regulation. However, the facility added that it understood that the inbound storage of the recyclable material is subject to RCRA permitting requirements.

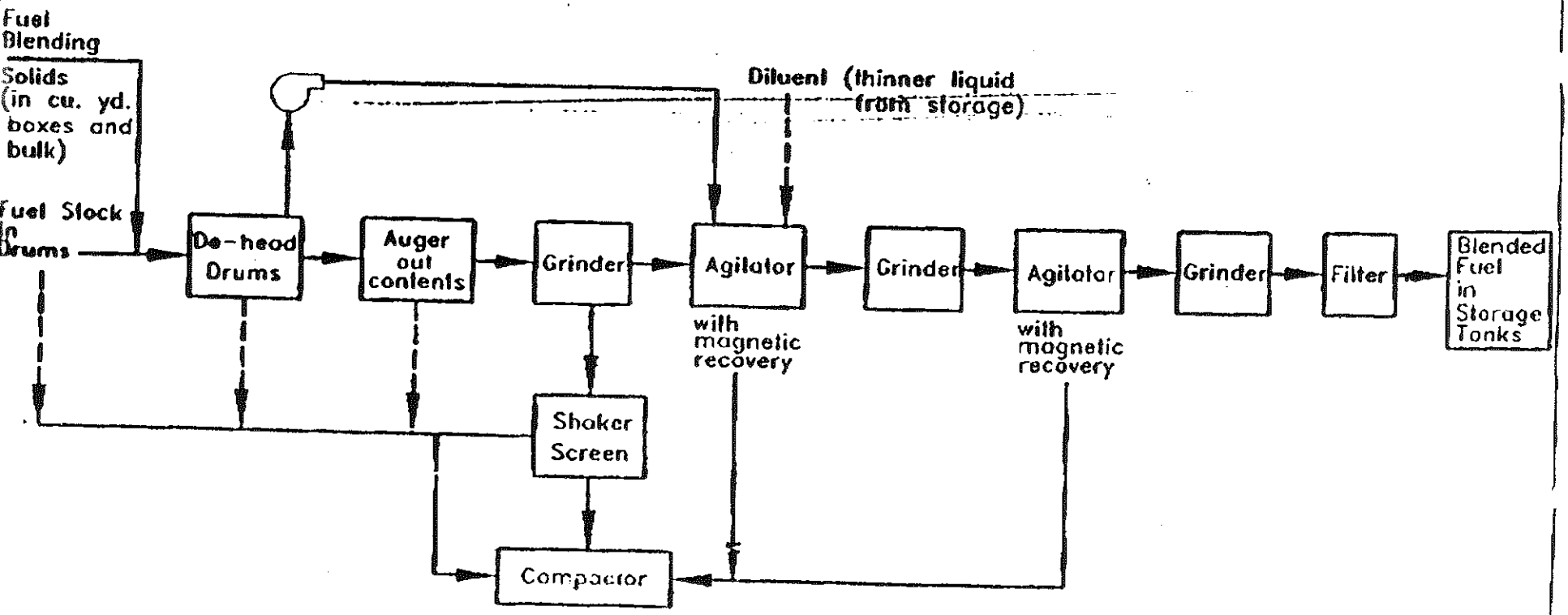
The Regional determination concerning this facility stated that the "agitator" units (see the attachment), are considered to be hazardous waste fuel-blending tanks, which are used for mixing thick hazardous waste materials to produce blended fuels. In the process of explaining this determination, the Region cited an excerpt from 52 FR 11820, which states that:

> "... the Agency believes it is clear that storage controls apply to hazardous waste fuel-blending tanks. It simply makes no sense to enact a cradle to grave regulatory system, but to leave a gap for the blending operation".

The Region also indicated that standards must be established for the other equipment identified in the process diagram (grinders, screens, etc.) to avoid leaving gaps in regulatory coverage. In making this determination, the Region considered the equipment to be ancillary equipment associated with the blending tank, and it, along with the tanks and the containment system, were considered to constitute a "tank system" as defined in 40 CFR 260.10.

FIGURE 2

PROCESS FLOW DIAGRAM FOR FUEL BLENDING PROPRIETARY NORTH EAST CHEMICAL CORPORATION PROCESS TRAIN



Solids removed during processing are sent to the compactor and kept separate as material generated by TSD.

These solids are transported to other TSD for treatment by rotary kiln or incinerator.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JIM 6LD

RCRA
232-339B

NOV 4 1991

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Response to Region V Fuel-Blending Concerns

FROM: Sylvia K. Lowrance, Director
Office of Solid Waste (OS-300)

TO: David A. Ullrich, Director
Waste Management Division (SH-12)

This memorandum responds to your September 24, 1991, memorandum requesting Headquarters views on the regulatory interpretations made by Region V specific to hazardous waste fuel-blending facilities. Your memorandum raised three issues which will be presented separately along with our reaction to the Regional interpretation.

ISSUE 1

A facility, in requesting a determination concerning RCRA permit requirements, described its process as receiving waste liquid and solid fuel stock, recycling the stock, and shipping waste fuel to a kiln. The facility indicated that it considers the fuel a recyclable material pursuant 40 CFR 261.6(a)(2)(ii) and exempt from regulation.

ANSWER

We agree with the Region's interpretation that any unit that meets the definition of a "tank" or a "tank system" is subject to regulation. Blending or other treatment to produce a hazardous waste fuel is not exempt. In fact, the facility seems to have misread 40 CFR 261.6(a)(2)(ii) which states recyclable materials such as hazardous wastes burned in boilers and industrial furnaces (BIF): "... are not subject to the requirements of this section [i.e. 261.6] but are regulated under Sections C through J of Part 266 of this chapter and ... Parts 270 and 124." Thus, these units are subject to permitting.

The facility's rebuttal of the Region's earlier determination attempts to define the unit's purpose as different from storage. The "purpose" of the unit is moot; if it is treating or

If you have any question concerning our interpretation of these fuel-blending issues, please call Sonya Sasseville (260-3132) or Chester Oszman (260-4499) of my staff.

Attachment

cc: Hazardous Waste Division Director, Regions 1-4 & 6-10
Regional Subpart X Contacts
Regional Incineration Contacts
Sonya Sasseville, OSW
Chester Oszman, OSW

1/28/92

Indiana
Department of
Environmental
Management

TO: Mr. Steve Pak, HRP-8J
U.S. EPA Region 5
77 W Jackson Blvd
Chicago, Illinois 60604

The Office of Solid and Hazardous Waste Management is pleased to make the following information available to you. If I may be of further assistance, please contact me at 317/232-3398 or at the address below.

FROM: Ruth Jean

Office of Solid and Hazardous Waste Management
Department of Environmental Management
100 North Senate Avenue, 11th Floor
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Jim

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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January 28, 1992

VIA CERTIFIED MAIL - P124-434-160

January 28, 1992

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4343 Kennedy Avenue
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IND 00646943

Dear Mr. Reis:

The Indiana Department of Environmental Management (IDEM) acknowledges receipt of your letter dated October 31, 1991. The letter requests a regulatory interpretation of the off-gases or propellent from aerosol cans being a hazardous waste.

A hazardous waste determination must first be made on the aerosol cans coming on-site. If the waste aerosol cans are a characteristic hazardous waste as defined by 329 IAC 3-5 (40 CFR 261.21), then the off-gases would have to be evaluated to determine if they are still a characteristic hazardous waste. If the off-gases exhibit a characteristic of a hazardous waste, then they would have to be managed as a hazardous waste.

However, if the aerosol cans contain a P or U listed waste as defined in 329 IAC 3-6-4 (40 CFR 261.33) and those wastes are themselves fuels, then the off-gases would not be a hazardous waste.

The U.S. EPA has indicated that these aerosol can crushing units may be regulated as Subpart X units under 40 CFR 264. For further guidance on determining the regulatory status of these unit(s) contact Mr. Hak Cho, U.S. EPA, Region V, Indiana Technical Unit, 77 West Jackson Street, Chicago, Illinois 60604-3590.

If you have any questions concerning this matter, please contact Mr. Jim Gross at 317/232-3398.

Sincerely,

Thomas E. Linson, Chief
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

JDG/go

cc: Mr. Hak Cho, U.S. EPA, Region V

File IC 2-
Lake

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Sincerely,

Thomas E. Linson, Chief
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

JDG/go

cc: Mr. Hak Cho, U.S. EPA, Region V

File

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Environmental Helpline 1-800-451-6027

June 15, 1992

Ms. Tita LaGrimas
Pollution Control Industries of Indiana
4343 Kennedy Avenue
East Chicago, Indiana 46312

Dear Ms. LaGrimas:

Re: Regulatory Status of Flare

This is in response to your request for information regarding the regulatory status under the hazardous waste rules of a flare used to burn propellents from an aerosol can recycling unit, and the regulatory status of the propellents while being stored prior to burning for disposal.

Under the hazardous waste rules the definition of solid waste includes contained gases. If the propellents exhibit any characteristic or are listed in the rules and the propellents are burned for disposal purposes as you have indicated the aerosol containers would be regulated as a hazardous waste and would be subject to container storage requirements prior to introduction into the aerosol can recycling unit.

Upon removing the gases from the containers, the hazardous waste gases which cannot be reclaimed or reused must be collected and disposed of in a permitted hazardous waste management unit. The use of a flare as you have proposed would be subject to permit requirements under the hazardous waste rules, and would require modification of your permit. It is estimated that a permit modification would take approximately one year to process. Please see 40 CFR 270.42 for the procedures governing permit modifications. The use of the flare would be considered thermal treatment and permiting would likely be under the provisions for miscellanious units.

If you should have any further questions regarding this matter, please contact Mr. Dave Berrey at 317/232-4417 or Mr. Jim Gross at 317/232-3398.

Sincerely,

Thomas Linson, Chief
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

Pollution
Control
Industries
of Indiana

4343 Kennedy Avenue
East Chicago, IN 46312
(219) 397-3951
FAX: (219) 397-6264

April 17, 1992

Mr. Dave Berry
Indiana Department of Environmental Management
105 South Meridian
Indianapolis, Indiana 46225

RE: Regulatory Status for Flare Use
for Ignitable Propellants

Dear Mr. Berry:

As we had discussed at our meeting on April 14, 1992, Pollution Control Industries of Indiana, Inc. is seeking guidance from the Indiana Department of Environmentla Management regarding the hazardous waste regulations for a flare used for ignitable propellants.

The issue are as follows:

Pollution Control Industries of Indiana, Inc. (PCII), is evaluating the use of a flare to burn off excess ignitable propellants from a aerosol can recycling unit. PCII's primary preference would be to use the propellants as a fuel, the propellants would consist of such gases as butane, propane, heptanes, hexanes, etc.). If the situation occurs where a user can not be found or the user can use only a limited amount of the gases, there would be a need to reduce the volume of propellants generated, and a on-site flare would accomplish this.

Pollution Control Industries of Indiana acknowledges that a permit or registration under the Clean Air Act (CAA) may be required but is unsure regarding the status of a flare under the hazardous waste regulations.

The specific questions the firm wishes to ask are as follows:

1) If the ignitable propellants are to be flared and not used as a fuel, what would be the regulatory status of the gases while being stored?

2) If the flare is regulated under the hazardous waste regulations, how would the unit be defined as a tank, miscellaneous unit or other.

3) If warranted, what information would be required for a hazardous waste permit modification.

4) If a hazardous waste permit modification is needed, approximately how long would approval take from the time an initial, reasonable complete modification request is revieved.

In behalf of Pollution Control Industries of Indiana, I would like to thank you and Mr. Jim Gross for taking the time to speak with myself and Mr. Dan Banaszek. The meeting was very informative and beneficial for all those involved. Again, thank you for your time regarding this matter and please contact me if you have any further questions.

Sincerely,

Tita LaGrimas
Director of Regulatory Affairs

CC: Mr. J. Gross/IDEM
Mr. D. Banaszek

ICID file

OFFICE OF SOLID AND HAZARDOUS WASTE MGMT DEM

DEC 19 3 09 PM '94

PCI

See 5/1/95 letter also for file ICID

November 23, 1994

Mr. Victor P. Windle
Solid & Hazardous Waste Management
Indiana Department of Environmental Management
100 North Senate Avenue, #N1154
Indianapolis, IN 46206

Dear Mr. Windle:

Enclosed, pursuant to 270.72, please find a revised Part A application making a change in interim status to add two recycling units (the aerosol can unit and the shredding tower) now in operation at the Pollution Control Industries of Indiana, Inc. ("PCI") facility in East Chicago, Indiana. Each of these units has previously been handled by IDEM as exempt from permitting requirements when they process materials destined for energy recovery under 40 C.F.R. Part 266 Subpart H. However, EPA's October 17, 1994 memorandum regarding the "Regulation of Fuel Blending and Related Treatment and Storage Activities" signals a change in interpretation in the way such activities may be regulated by the State. Specifically, EPA has indicated that shredders and similar units may be regulated as miscellaneous units under 40 C.F.R. Part 264 Subpart X.

In light of this possible change in interpretation of existing statute, PCI wishes to remain in compliance with all RCRA requirements and now deems it appropriate to make a corollary change in interim status to include the aerosol unit and the shredding tower as interim status units. This change is necessary to comply with EPA's recent interpretation requirements indicated in EPA's October 17, 1994 memorandum. The appropriate forms are attached.

We appreciate your consideration of this matter and look forward to hearing from you.

Sincerely,

Tita LaGrimas, Director
Regulatory Affairs

TL/jd

Enclosure

Pollution Control Industries
4343 Kennedy Avenue, East Chicago, IN 46312
(219) 397-3951 FAX. (219) 397-6264

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INDOOC

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMEN

105 South Meridian Stre
P.O. Box 60
Indianapolis 46206-601
Telephone 317/232-860

Mr. Hak Cho
U.S. EPA, Region V
230 South Dearborn Street
Chicago, Illinois 60604

July 2, 1991

Re: Regulatory Status of Miscellaneous Units for Marketers of Hazardous Waste Fuel

Dear Mr. Cho:

Recently we received a request from a hazardous waste fuel marketer to include miscellaneous units (i.e. shredders) on their Part A. Outlined below is our interpretation of the regulations as it pertains to the regulation of these units under 40 CFR 260 thru 268.

1. Under 40 CFR 261.3(a)(2), the material the facility receives is a hazardous waste.

2. Under 40 CFR 261.6 (a)(2), Requirements for recycable materials, the recyclable materials are not subject to the requirements under this section, but are regulated under Subparts C through G of Part 266 of this chapter and all applicable provisions in Parts 270 and 124 of this chapter. Hazardous waste burned for energy recovery is regulated under Subpart D of 40 CFR 266 according to 40 CFR 261.6(a)(2)(ii).

3. 40 CFR 266.34 are the standards applicable to marketers of hazardous waste fuel. Under 40 CFR 266.34(c), the applicable provisions for storage are listed. The only applicable provisions listed are Subparts A through L of Part 264 and Subparts A through L of Part 265. This does not list Subpart X of Part 264 or Subpart Q of Part 265 as applicable provisions.

4. Since Subpart X of Part 264 and Subpart Q of Part 265 are not listed as applicable provisions, these units would be exempt from permit requirements or interim status requirements for a facility.

We therefore conclude that these units do not require a permit at this time. This interpretation also seems to be consistent with other recycling or treatment units being exempt (i.e. a tank used only for blending). However, after conversations with U.S. EPA Headquarters, we have been informed that these unit are regulated under the permit requirements.

Given our interpretation outlined above, these units would not be regulated under a permit or interim status. Please provide a written concurrence with our interpretation, or the regulatory interpretation or mechanism by which these units would be regulated.

If you have any questions in regard to this request, please contact Mr. Vic Windle of my staff at AC 317/232-3242.

Sincerely,

Thomas E. Linson, Chief
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

JDG/go

1
Lak
IND 000 6

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN STREET
CHICAGO, IL 60604

SEP 9 9 38 AM '

REPLY TO THE ATTENTION OF:
5HR-JCK-13

SEP 04 1991

Mr. Thomas E. Linson, Chief
Hazardous Waste Management Branch
Indiana Department of Environmental Management
105 S. Meridian Street
Indianapolis, IN 46206-6015

Dear Mr. Linson:

Thank you for your letter dated July 2, 1991, concerning the regulatory status of Subpart X units for hazardous waste fuel marketers. The United States Environmental Protection Agency (U.S. EPA) Region V agrees with the Indiana Department of Environmental Management (IDEM) in its interpretation that 40 CFR 266.34 does not include 40 CRR 266.600, Subpart X, in its provisions as to what types of units are regulated. Thus, any miscellaneous unit could not be regulated under 40 CFR 266 Subpart D.

However, IDEM should consider regulating shredding operations as ancillary equipment if it is physically connected to a RCRA regulated unit such as a tank. Tank or container storage is regulated under 40 CFR 264 Standards when hazardous waste is burned for energy recovery, 40 CFR 266, Subpart D. Additionally, 40 CFR 270.32 (b)(2) allows any other conditions determined necessary to protect human health and the environment, and this would allow us to impose conditions on any potentially exempt units. The U.S. EPA, Office of Solid Waste, may have a different interpretation of the applicability of Subpart X units at hazardous waste fuel marketers, and we will continue to investigate their position and update IDEM on this issue.

If you have any questions concerning this letter, please contact Joe DiMatteo of my staff at (312) 886-3740.

Sincerely,

Hak Cho, Chief
Indiana Section
RCRA Permitting Branch

cc: Jim Gross, IDEM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: SEP 24 1991

SUBJECT: Clarification of Permitted Activities at Fuel-Blending Facilities

FROM: David A. Ullrich, Director
Waste Management Division (5H-12)

ORIGINAL SIGNED BY
DAVID A. ULLRICH

TO: Sylvia K. Lowrance, Director
Office of Solid Waste (OS-300)

The purpose of this memorandum is to request Headquarters input on regulatory interpretations made by Region V, specific to hazardous waste fuel-blending facilities. Three issues have been raised recently concerning these facilities. The first issue pertains to a Regional determination on the RCRA permit requirements for various unit processes in a fuel-blending operation. The second issue concerns the Btu restrictions currently in effect, and those which will become effective due to the Boiler and Industrial Furnace (BIF) Final Rule. The last issue pertains to the RCRA regulatory requirements specific to unit processes which increase the Btu value of hazardous waste fuel.

A Regional facility recently requested a determination concerning the RCRA permit requirements which are applicable to its fuel-blending process. A diagram illustrating the process is attached. This facility briefly described its process as one which receives waste fuel stock in liquid and solid form and recycles the fuel stock, for shipment to a cement kiln. The facility also indicated that it considers the fuel, "recyclable materials", pursuant to 40 CFR 261.6(a)(2)(ii), and thus exempt from regulation. However, the facility added that it understood that the inbound storage of the recyclable material is subject to RCRA permitting requirements.

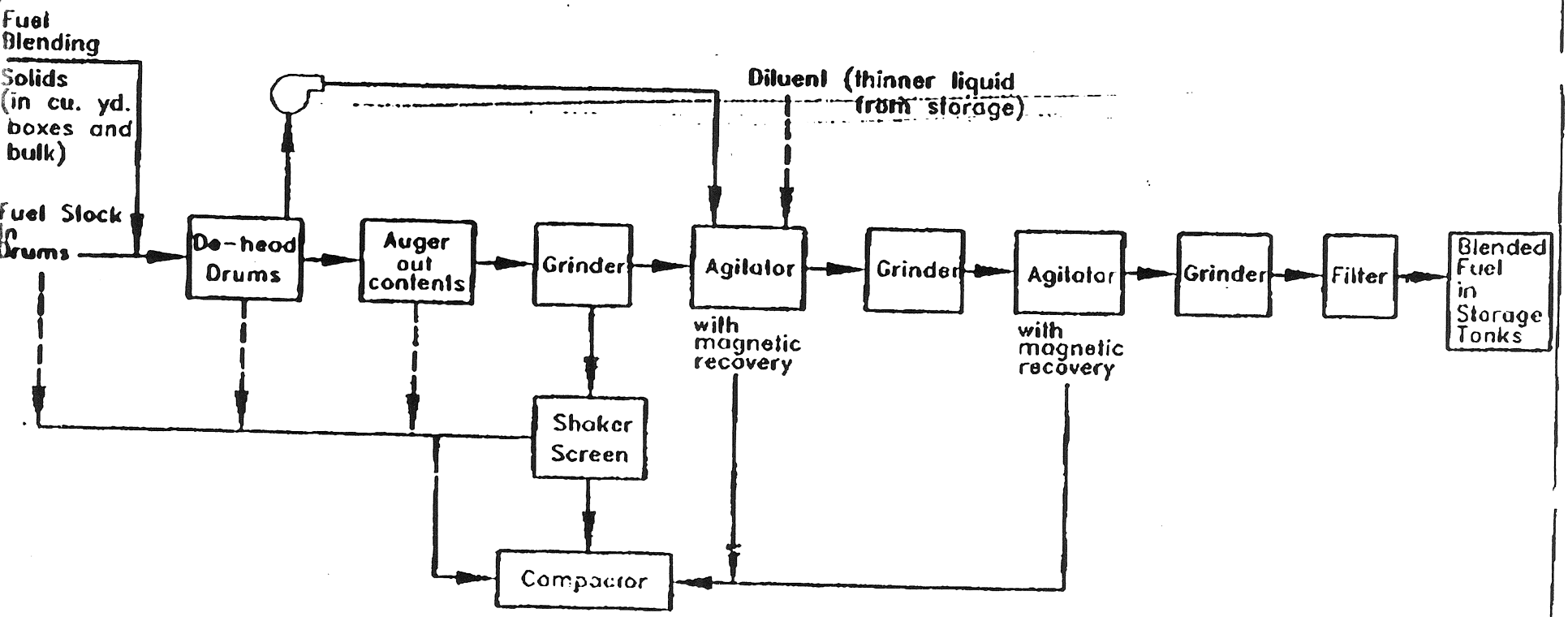
The Regional determination concerning this facility stated that the "agitator" units (see the attachment), are considered to be hazardous waste fuel-blending tanks, which are used for mixing thick hazardous waste materials to produce blended fuels. In the process of explaining this determination, the Region cited an excerpt from 52 FR 11820, which states that:

> "... the Agency believes it is clear that storage controls apply to hazardous waste fuel-blending tanks. It simply makes no sense to enact a cradle to grave regulatory system, but to leave a gap for the blending operation".

The Region also indicated that standards must be established for the other equipment identified in the process diagram (grinders, screens, etc.) to avoid leaving gaps in regulatory coverage. In making this determination, the Region considered the equipment to be ancillary equipment associated with the blending tank, and it, along with the tanks and the containment system, were considered to constitute a "tank system" as defined in 40 CFR 260.10.

FIGURE 2

PROCESS FLOW DIAGRAM FOR FUEL BLENDING
PROPRIETARY NORTH EAST CHEMICAL CORPORATION PROCESS TRAIN



Solids removed during processing are sent to the compactor and kept separate as material generated by TSD.
These solids are transported to other TSD for treatment by rotary kiln or incinerator.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JIM 6LD

RCRA
232-339B

NOV 4 1991

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Response to Region V Fuel-Blending Concerns

FROM: Sylvia K. Lowrance, Director
Office of Solid Waste (OS-360)

TO: David A. Ullrich, Director
Waste Management Division (SH-12)

This memorandum responds to your September 24, 1991, memorandum requesting Headquarters views on the regulatory interpretations made by Region V specific to hazardous waste fuel-blending facilities. Your memorandum raised three issues which will be presented separately along with our reaction to the Regional interpretation.

ISSUE 1

A facility, in requesting a determination concerning RCRA permit requirements, described its process as receiving waste liquid and solid fuel stock, recycling the stock, and shipping waste fuel to a kiln. The facility indicated that it considers the fuel a recyclable material pursuant 40 CFR 261.6(a)(2)(ii) and exempt from regulation.

ANSWER

We agree with the Region's interpretation that any unit that meets the definition of a "tank" or a "tank system" is subject to regulation. Blending or other treatment to produce a hazardous waste fuel is not exempt. In fact, the facility seems to have misread 40 CFR 261.6(a)(2)(ii) which states recyclable materials such as hazardous wastes burned in boilers and industrial furnaces (BIF): "... are not subject to the requirements of this section [i.e. 261.6] but are regulated under Sections C through J of Part 266 of this chapter and ... Parts 270 and 124." Thus, these units are subject to permitting.

The facility's rebuttal of the Region's earlier determination attempts to define the unit's purpose as different from storage. The "purpose" of the unit is moot; if it is treating or

storing hazardous waste, then it is regulated. The diagrammed process, including grinders, filters, etc., appears to meet the definition of a tank and its ancillary equipment. If the unit or a component is not a tank or a tank system, or if it has additional features that would potentially affect emissions or releases to the environment, then it would be regulated under Subpart X (miscellaneous units) or permit conditions may be added based on the omnibus authority of Section 3005(c)(3) of RCRA, as amended.

ISSUE 2

Considering the BIF rule, can a fuel-blending TSD accept low-BTU (less than 5000 BTU/lb.) into its mixing program?

ANSWER

A marketer of hazardous waste fuel currently can, and has previously been able to accept low BTU fuel. However, there are certain factors which govern whether a BIF can accept waste fuel originating from low-BTU waste. Under the sham recycling policy BIFs have not generally been allowed to burn hazardous waste fuel that had a heating value of less than 5000 BTU/lb. A low-BTU fuel (as generated) had to be processed to increase the heating value to greater than 5000 BTU/lb. by a means other than blending (e.g., decanting aqueous liquids) before it could be burned.

Now that the BIF rule has been promulgated, the BIFs can burn low-BTU waste after they conduct compliance emission testing with low-BTU waste and certify compliance under the new interim status standards. See section 266.103(a)(6) (56 FR 7213, Feb. 21, 1991).

ISSUE 3

Will the unit processes used to increase the heating value of low-Btu waste (i.e., phase separation, centrifugation, and air stripping) require a RCRA permit for their operation?

ANSWER

The unit processes used to raise the Btu value would require a permit for their operation. If the units do not meet the definition of units for which minimum technology standards have been established (e.g., tanks or tank systems), then the unit can be permitted under Part 264, Subpart X. The need for a permit for these types of processing units comes from the language in Section 261.6(a)(2) which separates recyclable materials used in a manner constituting disposal or burned, including treatment prior to being burned for energy recovery, from other recycling activities like reclamation of a solvent in a distillation unit.

If you have any question concerning our interpretation of these fuel-blending issues, please call Sonya Sasseville (260-3132) or Chester Oszman (260-4499) of my staff.

Attachment

cc: Hazardous Waste Division Director, Regions 1-4 & 6-10
Regional Subpart X Contacts
Regional Incineration Contacts
Sonya Sasseville, OSW
Chester Oszman, OSW

1/28/92

Indiana
Department of
Environmental
Management

TO: Mr. Steve Pak, HRP-8J
U.S. EPA Region 5
77 W Jackson Blvd
Chicago, Illinois 60604

The Office of Solid and Hazardous Waste Management is pleased to make the following information available to you. If I may be of further assistance, please contact me at 317/232-3398 or at the address below.

FROM: Ruth Jean

Office of Solid and Hazardous Waste Management
Department of Environmental Management
100 North Senate Avenue, 11th Floor
P.O. Box 6015
Indianapolis, Indiana 46206-6015

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 17 1998

REPLY TO THE ATTENTION OF:

DW-8J

CERTIFIED MAIL: Z 097 839 461
RETURN RECEIPT REQUESTED

Ms. Tita LaGrimas
Pollution Control Industries of Indiana (PCI)
4343 Kennedy Avenue
East Chicago, Indiana 46312

RE: Subpart X and Subpart CC Units
Notice of Deficiencies (NOD)
Pollution Control Industries of Indiana (PCI)
IND 000 646 943

Dear Ms. LaGrimas:

The United States Environmental Protection Agency (U.S. EPA) has reviewed PCI's Part B Application renewal dated November 7, 1997 with respect to the Subpart X - Miscellaneous units as defined under 40 CFR 264.601and Subpart CC-Air Emission Standards for Tanks and Containers under 40 CFR 264.1080, 1082, 1083, 1084 and 1086. The application has been determined to be deficient in addressing the requirements of the above statutes.

It is the opinion of the U.S. EPA that the units and systems associated with the following operations fit the definition of miscellaneous equipment as enumerated under 40 CFR 260.10, Subpart B-Definitions. These units/systems are:

A) Aerosol Can Crusher System
B) Drum Processing Tower System
C) Metal wash System

The above three systems fit the definition of "Miscellaneous Unit-Subpart X" found in the above Subpart B section. The above units are, in the opinion of U.S. EPA, stand alone Subpart X units and not equipment ancillary to other permitted units. Accordingly, details on design, construction, operation, maintenance, safety and location need to be submitted to comply with requirements under 40 CFR 270.23a (1), (2), (3). Compliance with 40 CFR 264.602 relating to monitoring, analysis, inspections, reporting and corrective action also must be detailed and substantiated. In order to avoid duplication with IDEM related permit issues, where appropriate, you may respond to certain NOD issues by referencing them to the permit application for non-Subpart X units, if they are applicable also to Subpart X units.

Examples may include Waste Analysis Plan, Inspection Plan, Closure Plan, Hazardous Prevention, Personnel Protection, maintenance issues etc...

Adequate information is needed to prove permittee's case that there are no significant emissions from the units. A characterization and quantification of the emissions is necessary to determine the extent of risk assessment that must be performed.

The response to this NOD should be submitted as an addendum to the main application within **forty-five (45) days** of receipt of this notice. Please submit three (3) copies of your response to U.S. EPA at the address above and two copies to IDEM at the following address:

Ms. Ruth Jean
Indiana Department of Environmental Management
100 North Street, P.O. Box 6015
Indianapolis, Indiana 46206-8601.

If you have any questions regarding this matter, please contact me at (312) 886-3224.

Sincerely,

N. Nemani

Nate Nemani, P.E.
Environmental Engineer
Waste Management Branch

NEMIANDI DW-8J

Z 097 839 461

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PCI of INDIANA
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EAST CHICAGO, IND.
46312

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U.S. EPA (DRP-8J)
77 W. JACKSON BLVD.
CHICAGO, IL 60604

ATTN: NATE NEMANI

POLLUTION CONTROL INDUSTRIES
EAST CHICAGO, IN
EPA I.D. No. IND000646943

SUBPART X
NOTICE OF DEFICIENCIES

POLLUTION CONTROL INDUSTRIES
EAST CHICAGO, INDIANA
EPA ID NO. IND000646943

SUBPART X
NOTICE OF DEFICIENCIES

GENERAL COMMENTS

1. Subpart X units are not clearly identified consistently throughout the application. For example, Section B, Page B-3 of the application identifies a "Shredding Tower." Section D, Page D-8 of the application identifies a "Drum Processing Tower." The Part A application only identifies "shredding" units. The application should be revised to ensure consistency in the designation of Subpart X units.

2. The information contained in the application does not adequately describe containment systems and control devices that will minimize or eliminate the emissions of toxic materials to the atmosphere. If containment and control systems are to be used to support a finding of no significant emissions, considerable additional information on these systems must be supplied.**[40 CFR 264.601(c)]**

3. Since it has not been established that the air emissions are below acceptable levels, it will be necessary to perform a screening analysis of these emissions. Such an analysis will require an estimate of the emissions from these units and at least a **simple risk** analysis of the potential impact of these emissions. **A screening assessment protocol should be submitted to EPA for review and approval.**

NOTICE OF DEFICIENCY
SUBPART X-SPECIFIC

I.A. PART A APPLICATION - GENERAL INFORMATION: 40CFR 270.10(d), 270.11(a), 270.11(d), 270.13

FACILITY DRAWING: 270.13(h)

The site plan, Map # B-2-97, does not identify the location of the Drum Processing Tower identified in the application. **Revise** the map to delineate this structure.

The Application does not include photographs of existing Subpart X units. **Revise** the Application to include these photographs.

PROCESSES: 270.13(I)

Section XII, Process Codes and Design Capabilities, on Page 4 of the Application lists two X99 (Other Subpart X Unit) units. The Part A directions indicate that X99 units should be listed under Section XIII, Other Processes. The listings for X99 processes in Section XII and XIII do not match. Section XII lists two processes with a total of nine process units and a total capacity of 420,000 gal/day. Section XIII lists five processes with a total of twelve process units and a total capacity of 285,000 gal/day. The Part A lists a "shredding" process with 4 units which is not included in Section D of the Application. Section D lists a "Drum Processing Tower" that incorporates two shredders which is not identified in the Part A. **Correct these discrepancies**.

II. PART B GENERAL INFORMATION REQUIREMENTS

II.A.1. GENERAL DESCRIPTION: 270.14(b)(1)

The number and type of Subpart X units identified in the Part A application does not correspond to those listed under Other Equipment on Page B-2 of the Part B Application. There are nine X99 units with a 420,000 gallon/day capacity listed in the Part A. There is no reference to these units in this section. There are two dry shredding units identified in the Part A application. Only one dry shredder is described here. There are four additional shredding units identified in the Part A application. The "Shredding Tower" identified here incorporates two shredders. **Revise** the application to include the number and type of every Subpart X unit corresponding to the Part A application. Please be **consistent** in the identification of each unit throughout the Application.

II.A.2. TOPOGRAPHIC MAP: 270.14(b)(19)

The topographic map(s) do not clearly identify the distance from Subpart X units to public roadways, passenger railroads, closest receptor(s), and legal boundaries of the facility. **Revise** the topographic map(s) to incorporate these requirements.

II.A.3. DESCRIPTION OF TREATMENT UNIT(S): 270.23(a)(2)

A detailed description of each of the Subpart X units is not included in the Application. **Revise** the Application to address the following requirements for each unit:

LOCATION: 270.23(a)(2)

Provide a discussion of the location of the Subpart X treatment units and the distance from each unit to the nearest on-site and off-site structures. **Discuss** if and how far wastes must be transported within the facility to the treatment unit. **Indicate** the distance to the nearest surface water sources, the location of any loading/unloading and staging areas, and the location of any permanently stationed communication equipment.

DESIGN: 270.23(a)(2)

The Application does not include adequate detail of the engineering design or engineering drawings of each of the Subpart X units. **Revise** the Application to include a detailed description of the engineering design of each unit including general dimensions, capacity and a structural description. The drawings should detail the mechanisms or equipment used for containment or capture of potential air emissions. **Details** of the emission control equipment used to prevent or control potential air emissions must be included. Critical operating conditions for the emissions control equipment together with the design control efficiencies must be provided.

OPERATION: 270.23(a)(2)

The Application does not describe the operation of the treatment unit. **Provide** information on how often treatment is performed, the amount of waste material that may be treated, criteria for using different treatment units (if applicable), procedures for loading and unloading waste at any staging areas, procedures for placing waste and initiating treatment, and procedures for handling and disposing of residues following treatment.

MAINTENANCE: 270.23(a)(2)

The Application does not **provide** a discussion of maintenance procedures for the treatment unit. See also Comment II.C.2. Include such items as: repair and replacement of containment device(s), repair of engineered features underlying or surrounding the treatment unit, cleanup of any residues escaping the unit, maintenance of communication/alarm systems, maintenance of fire response equipment and spill clean-up kits, maintenance of monitoring equipment, etc. See also Comment II.C.2.

MONITORING: 270.23(a)(2)

The Application does not discuss what type of monitoring activities are performed at the facility with respect to the treatment unit. See Comment II.C.2.

INSPECTION: 270.23(a)(2)

The Application does not describe procedures to inspect the treatment units, including operating and structural equipment, safety and emergency equipment, security devices, and any other items that are vital to prevent, detect, or respond to environmental or human health hazards that may occur in connection with Subpart X treatment. See Comment II.C.2.

CLOSURE: 270.23(a)(2)

Provide a description of how each Subpart X unit will be closed.

II.B. WASTE CHARACTERISTICS

II.B.1. CHEMICAL AND PHYSICAL ANALYSES: 270.14(b)(2), 264.13(a), 270.15, 270.16, 270.23, 264.191(b)(2), 264.314(c), Part 261 Appendix VIII

The Application does not include an adequate description of the wastes that will be managed at each Subpart X unit. **Revise** the Application to describe the liquid, solid or sludge waste streams that are generally treated at each unit and demonstrate that the

treatment used is appropriate for the wastes being managed in the unit. **Identify the major chemical constituents of the wastes.** The Application does not include relevant information concerning typical hazardous wastes treated in Subpart X units. Revise the Application to include the following information for *typical* hazardous wastes treated in Subpart X units. Describe the waste, the hazard characteristics, the basis for hazard designation, and provide a laboratory report detailing the chemical and physical analyses of representative samples or provide documented process knowledge. At a minimum, all information needed to treat the waste in accordance with Parts 264 and 268 requirements must be included.

Waste characterization must consist of chemical and physical analyses of representative samples or documented process knowledge of each type of waste and waste residue. Characterization includes such items as waste description, EPA hazardous waste code(s), hazard designation, physical state, color, pH, reactivity, ignitability and chemical constituents. The waste characterization plan must provide adequate data on the composition of each of the hazardous wastes treated in Subpart X units. Waste characterization must also describe the residuals and the waste degradation products from Subpart X treatment.

II.B.2. WASTE ANALYSIS PLAN: 270.14(b)(3), 264.13(b), 264.13(c), 264.17, 268.7, Part 261 Appendix I

RATIONALE FOR PARAMETERS: 264.13(b)(1)

The Waste Analysis Plan does not provide criteria for accepting or rejecting a shipment of waste for treatment at a Subpart X unit. **Revise** the Application to include clear and specific criteria.

II.C. PROCEDURES TO PREVENT HAZARDS

II.C.2. INSPECTION SCHEDULE: 264.15, 270.14(b)(5), 265.377(a)(3)

The inspection schedule included as Table VIII-1 of the Application does not address inspection of Subpart X containment and control devices. Revise the schedule to ensure that performance of activated carbon and other control devices are appropriately monitored, maintained, and replaced when necessary.

II.C.4. GENERAL HAZARD PREVENTION: 270.14(b)(8)

PERSONNEL PROTECTION PROCEDURES: 270.14(b)(8)(v)

The Application does not identify personnel safety precautions necessary for routine operation of Subpart X units. **Revise** the Application to identify any personnel protection requirements associated with these units (e.g., entry into nitrogen blanketed Drum Processing Tower).

II.F. CLOSURE AND POST-CLOSURE PLAN

II.F.1. CLOSURE PLAN DOCUMENTATION: 264.112(b)(4), 264.114

The Application does not include adequate description of closure of Subpart X units. Revise the Application to describe procedures for removal or decontamination of hazardous waste residues, equipment, structures, etc. associated with these units.

III.B. ENVIRONMENTAL PERFORMANCE STANDARDS FOR MISCELLANEOUS UNITS

III.B.1 QUANTITY AND PHYSICAL AND CHEMICAL CHARACTERISTICS OF THE WASTE AND PRODUCTS OF COMBUSTION 264.601(a)(1), 264.601(b)(1), 270.23

The Application does not adequately describe the types of waste treated in Subpart X units. See Comment II.B.1.

III.C. AIR QUALITY ASSESSMENTS

P. 856

III.C.1. VOLUME AND PHYSICAL AND CHEMICAL CHARACTERISTICS OF THE WASTE IN THE UNIT: 270.23(b), 264.601(c)(1)

P. 298

The Application does not provide adequate information on the wastes placed in the unit in order to evaluate the potential for dispersal of gases, aerosols, and particulate. ~~See also Comment H.B.1~~. Revise the Application to provide physical and chemical characteristics of the waste. As a minimum, identify the major liquid components of the wastes handled in the Subpart X units and the approximate concentrations of each. Include within this list the major volatile/toxic components contained in the wastes. These components should represent a reasonable worst case situation. This information will serve as an aid in estimating the emissions from the units. **See II.B.1.**

III.C.2. EFFECTIVENESS AND RELIABILITY OF SYSTEMS AND STRUCTURES TO REDUCE OR PREVENT EMISSIONS: 264.601(c)(2), 270.23(d)

The Application does not provide sufficient information on emission control devices for Subpart X units. **Provide** data establishing the effectiveness and reliability of any structures or systems used to reduce or prevent emissions. The description of the emission control devices should include quantitative efficiencies (design efficiencies will be acceptable), monitoring devices, associated maintenance and frequency of inspection.

III.C.3. OPERATING CONDITIONS OF THE UNIT: 264.601(c)(3)

The Application does not provide an adequate discussion of the operating conditions for the Subpart X units. **Provide** a discussion of any procedures used to minimize the impact of emissions from operation of each unit.

III.C.5 EXISTING AIR QUALITY (TOXIC POLLUTANTS) AND OTHER SOURCES OF CONTAMINATION: 264.601(c)(5)

The Application does not include any general ambient air quality conditions. **Revise** the Application to include ambient air quality conditions including any other sources of similar emissions within 10 km of the site. Such monitoring data may be available from governmental environmental agencies.

III.C.6. POTENTIAL IMPACTS TO HUMAN HEALTH AND THE ENVIRONMENT: 264.601(c)(6) P. 298

The Application does not provide adequate assessment of potential impacts of exposure of employees and off-site populations to waste components in emissions. Page D-75 of the Application indicates that releases to the air are considered a "Low to Moderate" risk pathway. However, there is no further information provided to support this position. Based on the composition of the wastes treated in the units, the properties (especially vapor pressure) of the compounds involved, and the unspecified efficiency of the containment and control systems, emissions from these units must be estimated. Dispersion modeling must then be performed to establish ambient concentrations, and these concentrations compared to accepted exposure parameters or used as input to a screening risk assessment. **Provide** this information.

III.C.6a. SCREENING ASSESSMENT: 264.601 (c) and 264.602 298 — 298

The Application does not provide a specific description of the types of waste processed in the Subpart X units. **Revise** the Application to identify the types and maximum quantities of each type of waste to be processed. See II.B.1.

The Application does not provide any amounts of pollutants emitted from Subpart X units. Revise the Application to provide quantitative estimates of emissions from each Subpart X unit. Present the data in terms of mass of pollutant emitted per mass of material treated. Describe how the emissions are released to the atmosphere. Describe in detail the method of determining these figures. If estimated by a computer model, describe the model and the assumptions and methods of calculation used. If the emission estimates are based on test data, describe the test completely. Such items as the type and amount of waste treated during the test, the method of sampling and the

method of analyzing for the pollutants must be described. **Provide** complete results of the test.

The Application does not include downwind concentrations of each known or suspected hazardous waste constituent emitted. Revise the Application to provide the maximum on-site and the maximum off-site ambient concentration of pollutants resulting from these operations. Describe in detail the dispersion model used, including a discussion of the potential for inaccuracy when using existing dispersion models. The description must include;

- Justification of the choice of model;
- Listing of source data input to model;
- Description of or listing of meteorological data used including:
  - Source of data (identity and location of met station)
  - Years covered (at least 1 year if on-site, at least 5 years if off-site), and
  - Justification of choice of data, location and years;
- Description of receptor grid layout:
  - Locations of any sensitive off-grid receptors used,
  - Description of terrain in vicinity of source, and
  - Copy of topographic map locating source and receptors; and
- Identification of the location of the maximum annual average off-site concentration.

A worst-case estimate may be produced using computer models such as TSCREEN or SCREEN3. These models calculate the maximum one hour average concentrations downwind of the facility. If the maximum one hour average concentration is shown to be acceptable, it would not be necessary to perform the more detailed modeling to calculate the maximum annual average concentration.

Provide a comparison of the maximum average concentration found to the appropriate ambient standards (i.e., National Ambient Air Quality Standards, State or local Ambient Air Quality Standards, National Emission Standards for Hazardous Air Pollutants; RCRA RFI Guidance; IRIS Database or 40 CFR 266 Appendix IV and V).

If the comparison above shows that the maximum annual ambient concentration is above any of the applicable standards, a risk assessment must be performed and the results thereof described. The risk assessment must address the following subjects:

- Urban/rural characterization of the area;
- Population density;
- Land use in nearby areas;
- Sensitive receptors within a 69 km radius;

- Estimate of number of exposed individuals including those living and working on premises; and
- Calculation of lifetime cancer risk from the calculated exposures and a 70 year exposure period. U.S. EPA's guidance on risk assessment for Superfund and RFIs should be used for these calculations.

III.D. POTENTIAL PATHWAYS OF EXPOSURE

III.D.1. POTENTIAL HUMAN AND ENVIRONMENTAL RECEPTORS: 270.23

Provide further information on the potential pathways of exposure of humans or environmental receptors to hazardous wastes or hazardous constituents and on the potential magnitude and nature of such exposures. Based on current and future land use, consider the following:

- Both short-term and long-term exposure receptors, and receptors of indirect exposure;
- Locations of receptors relative to the site: and
- Sensitive populations such as children, elderly people and endangered species.

III.D.2. POTENTIAL EXPOSURE PATHWAYS: 270.23(c), Risk Assessment Guidance for Superfund, and RFI Guidance

Provide a discussion of potential exposure pathways. Include the following in the discussion:

- All possible release sources, their characteristics, quantities, and duration;
- Identify possible release mechanisms (e.g., volatilization, fugitive dust, particulate emissions);
- Identify all potential receiving media (e.g., air, surface water, groundwater, soil, sediment, and biota)
- Identify the expected fate and transport in that media;
- Identify exposure points, both off- and on-site, at which potential human or environmental receptors may contact a receiving media; and
- Identify all probable exposure routes.

NOTICE OF DEFICIENCY
GENERAL APPLICATION

II. PART B GENERAL INFORMATION REQUIREMENTS

II.A.1. GENERAL DESCRIPTION: 270.14(b)(1)

The Application does not provide an adequate description of the facility location. Revise the description of the facility location to include the distance from major population centers, the surrounding land uses, and a general topographic description of the area.

II.A.2. TOPOGRAPHIC MAP:270.14(b)(19)

Map # B-1, identified as a USGS map, is not a USGS map. Furthermore, the map does not include a date and does not identify the location of the facility. **See Comment I.A.**

The topographic maps, Map # B-1 and Map #B-5, are inadequate. **Revise** the maps to incorporate the following requirements.

- Map # B-5, identified as a topographic map, includes no contours and is not a topographic map. The map(s) must include contours sufficient to show surface water flow in the vicinity of and from each operational unit (e.g., contours of 5 feet if relief is greater than 20 feet, 2 foot intervals if the relief is less than 20 feet). The elevations provided on Map #B-1 are not consistent with the spot elevations identified on Map # B-5. **Revise** these maps to resolve this inconsistency.

- The map(s) must include surrounding land uses and legal boundaries of the facility site. None of the maps clearly identify surrounding land uses. The Indiana Harbor Canal referenced on page B-4 of the text is not clearly identified on Map # B-1 as indicated. The Site Plan, Map # B-2-97, appears to depict a surrounding fence. However, this is not identified as the legal boundary of the facility.

II.C. PROCEDURES TO PREVENT HAZARDS

II.C.2. GENERAL INSPECTION REQUIREMENTS: 270.14(b)(5), 264.15(a)

TYPES OF PROBLEMS TO BE CHECKED: 264.15(b)(3)

The inspection schedule presented in Table VIII-1 does not specify the number of each piece of required equipment. **Revise** the inspection schedule to identify both the type and number of each piece of equipment to be inspected.

SCHEDULE OF REMEDIAL ACTION: 264.15(d)

The Application does not provide sufficient explanation of remedial actions to be taken when deterioration or malfunction of equipment or structures is noted during inspection. Revise the Application to discuss how and when deterioration or malfunction of equipment or structures will be remedied. **Identify** who will be responsible for ensuring proper action is taken. **Provide** a statement that where a hazard is imminent or has already occurred, remedial action must be taken immediately.

II.F. CLOSURE PLANS, POST-CLOSURE PLANS, AND FINANCIAL REQUIREMENTS:

II.F.1. CLOSURE PLAN DOCUMENTATION : 264.112(b)(4), 264.114

METHODS FOR SAMPLING AND TESTING SOILS: 264.112(b)(4), 264.114

The Application does not identify or reference sampling techniques (EPA, ASTM, or other EPA recognized standard methods) to be used to collect samples. **Revise** the Application to identify the appropriate procedures.

CRITERIA FOR DETERMINING DECONTAMINATION LEVELS: 264.112(b)(4), 264.114

The Application does not provide adequate justification for the use of action levels provided in Table I-2 on page I-15. Unless a health-effects based rationale can be provided for proposing cleanup levels above non-detectable levels, all hazardous constituents must be removed to non-detectable levels. **Revise** the Application to provide the rational for using three standard deviations above mean background and PQL's as the action level for the appropriate analytical parameters.

Page I-14 of the Application indicates action levels are based upon background data. **Revise** the Application to include documentation that background soil samples have been/will be collected in similar geological strata in areas removed from possible hazardous constituent contamination at the facility.

DESCRIPTION OF CLOSURE SCHEDULE: 264.112(b)(6), 264.113

The closure schedule provided in Appendix I.1 is not adequate. **Include** a schedule for closure of each hazardous waste management unit as well as for final closure of the facility. The schedule must include the total time required to close each hazardous waste management unit and the time required for intervening closure activities.

POLLUTION CONTROL INDUSTRIES
EAST CHICAGO, INDIANA
EPA ID NO.IND000646943

40CFR 264.1080 Subpart CC
AIR EMISSIONS STANDARDS FOR TANKS AND CONTAINERS.
NOTICE OF DEFICIENCIES

GENERAL COMMENTS

The USEPA , WPTD has reviewed the application for compliance with 40 CFR 264 Subpart CC as the State of Indiana has not been authorized to administer these rules. Specifically, the tanks and container storage at the facility are impacted by the regulatory requirements under this statutes.

In general ,the application covers the major information requirements found in the federal code of federal regulations (CFR) but it lacks the detail necessary to demonstrate compliance with regulations. In many cases the application simply restates the federal regulation in a sentence or in a short paragraph. Detailed discussion pertaining to the facility is lacking in the application. Specifically,based on the review, the application has been found to be deficient due to the following :

TANKS

1) VAPOR PRESSURE ESTIMATION OF CONTENTS: PCI has not demonstrated that the hazardous waste is managed in the thirty one (31) tanks as per the requirements of 40CFR264.1084(b)1, the tanks are designed to hold the contents within the vapor pressure limitations.

2) TANKS " LEVEL OF CONTROL" FOR EMISSIONS.: Table I of the subpart CC section of the application lists the tanks and the respective air pollution controls employed. It is not clear as to the bases for using the control methods. The criteria for using Level1 or Level 2 controls should be described in detail in accordance 40CFR264.1084(c) and 40CFR264.1084(d).

3) AIR POLLUTION CONTROL DEVICE: In the Subpart CC section of the application, Table I identifies the Tanks and their respective air pollution controls. Only nineteen (19) in Areas 1,2,and 3 out of the thirty one (31) tanks are listed in the table. Please explain the reason for the omission of the other twelve (12) tanks in Areas 4,5 and 7 and describe the type of emission controls as appropriate and as required per 40 CFR 264.1084(c).

4) WASTE DETERMINATION PROCEDURES : Alternatively, in reference to (3) above PCI must determine the average volatile organic (VO) concentration for hazardous waste that is exempted under the provisions of 40 CFR 264.1082(a)(1) from installing air pollution control devices. The procedure for determination of the VO must be in acordance with those outlined under 40 CFR 264.1083.

5) INSPECTION and MONITORING PLAN :PCI must develop and implement a written plan and schedule in accordance with the applicable reqiurements of 40 CFR264.1084. . This plan and schedule shall be incorporated into facility inspection plan which is required under 40 CFR 264.15.

6) **RECORDKEEPING:** Please provide example or sample of records that will be maintained for tanks and associated closed-vent systems and control devices in accordance withthe applicable reqiurements of 40CFR 264.1089(b) and (e)

CONTAINERS

1) AIR POLLUTION CONTROL: It is not clear from the narrative for containers as to how air emissions from the containers storing volatile organics will be captured and controlled before being vented to the atmosphere. Pursuant to 40CFR 264.1082(a) and (b), PCI must demonstrate that air pollutant emissions from each waste management unit will be controlled in accordance with standards specified in 40 CFR264.1084 through 40CFR 264.1087. Depending on the size of the container,PCI must demonstrate that the air pollutant emissions are controlled in accordance with Container Level 1,2 or 3 standards as specified under 40 CFR 264.1086(b), (c), (d) or (e) as appropriate.

2) MEASUREMENTS TO ASSURE NO DETECTABLE ORGANIC EMISSIONS. PCI must show that procedures are in place to assure that containers are operated with no detectable organic emissions to comply with 40 CFR 264.1086(d)(i)(ii). Appropriate checks, inspections and tests need to be incorporated in the Inspection and Monitoring plan to comply with 40 CFR 264.1086(g)(1) and (2).

3) TEST METHODS: The test methods for measurements of organic emissions shall be in accordance with 40 CFR 264.1086(h) and shall be incorporated into facility Inspection and monitoring plan .

4) INSPECTION AND MONITORING PLAN: PCI must develop and implement a written plan and schedule in accordance with the applicable requirements of 40 CFR 264.1088. This plan and schedule shall be incorporated into the facility inspection plan which is required under 40 CFR 264.15.

5) RECORDKEEPING REQUIREMENTS: PCI must indicate that it has a recordkeeping routine in place to comply with the reqiurements of 40CFR 264.1089. Examples of the recodkeeping logs and forms should be submitted in the response.

POLLUTION CONTROL INDUSTRIES
EAST CHICAGO, INDIANA
EPA ID NO.IND000646943

40CFR 264.1080 Subpart CC
AIR EMISSIONS STANDARDS FOR TANKS AND CONTAINERS.
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6) RECORDKEEPING: Please provide example or sample of records that will be maintained for tanks and associated closed-vent systems and control devices in accordance withthe applicable reqiurements of 40CFR 264.1089(b) and (e)

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annotated copy

UNITED STATES ENVIRONMENTAL PROTECTION AGE NCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 17 1998

REPLY TO THE ATTENTION OF:

DW-8J

CERTIFIED MAIL: Z 097 839 461
RETURN RECEIPT REQUESTED

WORKING COPY

Ms. Tita LaGrimas
Pollution Control Industries of Indiana (PCI)
4343 Kennedy Avenue
East Chicago, Indiana 46312

RE: Subpart X and Subpart CC Units
Notice of Deficiencies (NOD)
Pollution Control Industries of Indiana (PCI)
IND 000 646 943

Dear Ms. LaGrimas:

The United States Environmental Protection Agency (U.S. EPA) has reviewed PCI's Part B Application renewal dated November 7, 1997 with respect to the Subpart X - Miscellaneous units as defined under 40 CFR 264.601and Subpart CC-Air Emission Standards for Tanks and Containers under 40 CFR 264.1080, 1082, 1083, 1084 and 1086. The application has been determined to be deficient in addressing the requirements of the above statutes.

It is the opinion of the U.S. EPA that the units and systems associated with the following operations fit the definition of miscellaneous equipment as enumerated under 40 CFR 260.10, Subpart B-Definitions. These units/systems are:

A) Aerosol Can Crusher System
B) Drum Processing Tower System
C) Metal wash System • (PCI deems it a "Recycling Unit" not a Subpart X unit).

The above three systems fit the definition of "Miscellaneous Unit-Subpart X" found in the above Subpart B section. The above units are, in the opinion of U.S. EPA, stand alone Subpart X units and not equipment ancillary to other permitted units. Accordingly, details on design, construction, operation, maintenance, safety and location need to be submitted to comply with requirements under 40 CFR 270.23a (1), (2), (3). Compliance with 40 CFR 264.602 relating to monitoring, analysis, inspections, reporting and corrective action also must be detailed and substantiated. In order to avoid duplication with IDEM related permit issues, where appropriate, you may respond to certain NOD issues by referencing them to the permit application for non-Subpart X units, if they are applicable also to Subpart X units.

Examples may include Waste Analysis Plan, Inspection Plan, Closure Plan, Hazardous Waste Prevention, Personnel Protection, Maintenance issues etc...

Adequate information is needed to prove permittee's case that there are no significant emissions from the units. A characterization and quantification of the emissions is necessary to determine the extent of risk assessment that must be performed.

The response to this NOD should be submitted as an addendum to the main application within **forty-five (45) days** of receipt of this notice. Please submit three (3) copies of your response to U.S. EPA at the address above and two copies to IDEM at the following address:

Ms. Ruth Jean
Indiana Department of Environmental Management
100 North Street, P.O. Box 6015
Indianapolis, Indiana 46206-8601.

If you have any questions regarding this matter, please contact me at (312) 886-3224.

Sincerely,

N. Nemani.

Nate Nemani, P.E.
Environmental Engineer
Waste Management Branch

cc: Ruth Jean, IDEM.

POLLUTION CONTROL INDUSTRIES
EAST CHICAGO, IN
EPA I.D. No. IND000646943

SUBPART X
NOTICE OF DEFICIENCIES

For responses to the Dec '98 resubmission by PCI of the permit application Submitter needs to be reviewed whereas the attached NOD's are for the Nov '97 Submission.

POLLUTION CONTROL INDUSTRIES
EAST CHICAGO, INDIANA
EPA ID NO. IND000646943

SUBPART X
NOTICE OF DEFICIENCIES

DRUM PROC. Tower → same as Shredding Tower

GENERAL COMMENTS

Status of: Lab packs (booths)

1. Subpart X units are not clearly identified consistently throughout the application. For example, Section B, Page B-3 of the application identifies a "Shredding Tower." Section D, Page D-8 of the application identifies a "Drum Processing Tower." The Part A application only identifies "shredding" units. The application should be revised to ensure consistency in the designation of Subpart X units.

2. The information contained in the application does not adequately describe containment systems and control devices that will minimize or eliminate the emissions of toxic materials to the atmosphere. If containment and control systems are to be used to support a finding of no significant emissions, considerable additional information on these systems must be supplied.**[40 CFR 264.601(c)]**

3. Since it has not been established that the air emissions are below acceptable levels, it will be necessary to perform a screening analysis of these emissions. Such an analysis will require an estimate of the emissions from these units and at least a **simple risk** analysis of the potential impact of these emissions. **A screening assessment protocol should be submitted to EPA for review and approval.**

(not a MISC Unit?)

Air Pollution only is considered.

NOTICE OF DEFICIENCY
SUBPART X-SPECIFIC

I.A. PART A APPLICATION - GENERAL INFORMATION: 40CFR 270.10(d), 270.11(a), 270.11(d), 270.13

FACILITY DRAWING: 270.13(h)

The site plan, Map # B-2-97, does not identify the location of the Drum Processing Tower identified in the application. **Revise** the map to delineate this structure. ok!

The Application does not include photographs of existing Subpart X units. **Revise** the Application to include these photographs. ok

PROCESSES: 270.13(I)

ok, but PCI has added three (3) proposed [illegible] shredders

Section XII, Process Codes and Design Capabilities, on Page 4 of the Application lists two X99 (Other Subpart X Unit) units. The Part A directions indicate that X99 units should be listed under Section XIII, Other Processes. The listings for X99 processes in Section XII and XIII do not match. Section XII lists two processes with a total of nine process units and a total capacity of 420,000 gal/day. Section XIII lists five processes with a total of twelve process units and a total capacity of 285,000 gal/day. The Part A lists a "shredding" process with 4 units which is not included in Section D of the Application. Section D lists a "Drum Processing Tower" that incorporates two shredders which is not identified in the Part A. **Correct these discrepancies.**

II. PART B GENERAL INFORMATION REQUIREMENTS

II.A.1. GENERAL DESCRIPTION: 270.14(b)(1)

The number and type of Subpart X units identified in the Part A application does not correspond to those listed under Other Equipment on Page B-2 of the Part B Application. There are nine X99 units with a 420,000 gallon/day capacity listed in the Part A. There is no reference to these units in this section. There are two dry shredding units identified in the Part A application. Only one dry shredder is described here. There are four additional shredding units identified in the Part A application. The "Shredding Tower" identified here incorporates two shredders. **Revise** the application to include the number and type of every Subpart X unit corresponding to the Part A application. Please be **consistent** in the identification of each unit throughout the Application.

a) a proposed Dry Shredder
b) PCB segregation procedure.
c) "Pal" machine addition (repackage solid waste)
and the Shredding opening for containers (non-RCRA)

need map in 4 weeks per NOD resp

II.A.2. TOPOGRAPHIC MAP: 270.14(b)(19)

The topographic map(s) do not clearly identify the distance from Subpart X units to public roadways, passenger railroads, closest receptor(s), and legal boundaries of the facility. **Revise** the topographic map(s) to incorporate these requirements.

II.A.3. DESCRIPTION OF TREATMENT UNIT(S): 270.23(a)(2)

A detailed description of each of the Subpart X units is not included in the Application. **Revise** the Application to address the following requirements for each unit:

LOCATION: 270.23(a)(2)

Provide a discussion of the location of the Subpart X treatment units and the distance from each unit to the nearest on-site and off-site structures. **Discuss** if and how far wastes must be transported within the facility to the treatment unit. **Indicate** the distance to the nearest surface water sources, the location of any loading/unloading and staging areas, and the location of any permanently stationed communication equipment.

DESIGN: 270.23(a)(2)

The Application does not include adequate detail of the engineering design or engineering drawings of each of the Subpart X units. **Revise** the Application to include a detailed description of the engineering design of each unit including general dimensions, capacity and a structural description. The drawings should detail the mechanisms or equipment used for containment or capture of potential air emissions. **Details** of the emission control equipment used to prevent or control potential air emissions must be included. Critical operating conditions for the emissions control equipment together with the design control efficiencies must be provided.

OPERATION: 270.23(a)(2)

The Application does not describe the operation of the treatment unit. **Provide** information on how often treatment is performed, the amount of waste material that may be treated, criteria for using different treatment units (if applicable), procedures for loading and unloading waste at any staging areas, procedures for placing waste and initiating treatment, and procedures for handling and disposing of residues following treatment.

MAINTENANCE: 270.23(a)(2)

The Application does not **provide** a discussion of maintenance procedures for the treatment unit. See also Comment II.C.2. Include such items as: repair and replacement of containment device(s), repair of engineered features underlying or surrounding the treatment unit, cleanup of any residues escaping the unit, maintenance of communication/alarm systems, maintenance of fire response equipment and spill clean-up kits, maintenance of monitoring equipment, etc. See also Comment II.C.2.

MONITORING: 270.23(a)(2)

The Application does not discuss what type of monitoring activities are performed at the facility with respect to the treatment unit. See Comment II.C.2.

INSPECTION: 270.23(a)(2)

The Application does not describe procedures to inspect the treatment units, including operating and structural equipment, safety and emergency equipment, security devices, and any other items that are vital to prevent, detect, or respond to environmental or human health hazards that may occur in connection with Subpart X treatment. See Comment II.C.2.

CLOSURE: 270.23(a)(2)

Provide a description of how each Subpart X unit will be closed.

II.B. WASTE CHARACTERISTICS

II.B.1. CHEMICAL AND PHYSICAL ANALYSES: 270.14(b)(2), 264.13(a), 270.15, 270.16, 270.23, 264.191(b)(2), 264.314(c), Part 261 Appendix VIII

The Application does not include an adequate description of the wastes that will be managed at each Subpart X unit. **Revise** the Application to describe the liquid, solid or sludge waste streams that are generally treated at each unit and demonstrate that the

treatment used is appropriate for the wastes being managed in the unit. **Identify the major chemical constituents of the wastes.** The Application does not include relevant information concerning typical hazardous wastes treated in Subpart X units. Revise the Application to include the following information for *typical* hazardous wastes treated in Subpart X units. Describe the waste, the hazard characteristics, the basis for hazard designation, and provide a laboratory report detailing the chemical and physical analyses of representative samples or provide documented process knowledge. At a minimum, all information needed to treat the waste in accordance with Parts 264 and 268 requirements must be included.

Waste characterization must consist of chemical and physical analyses of representative samples or documented process knowledge of each type of waste and waste residue. Characterization includes such items as waste description, EPA hazardous waste code(s), hazard designation, physical state, color, pH, reactivity, ignitability and chemical constituents. The waste characterization plan must provide adequate data on the composition of each of the hazardous wastes treated in Subpart X units. Waste characterization must also describe the residuals and the waste degradation products from Subpart X treatment.

II.B.2. WASTE ANALYSIS PLAN: 270.14(b)(3), 264.13(b), 264.13(c), 264.17, 268.7, Part 261 Appendix I

RATIONALE FOR PARAMETERS: 264.13(b)(1)

The Waste Analysis Plan does not provide criteria for accepting or rejecting a shipment of waste for treatment at a Subpart X unit. **Revise** the Application to include clear and specific criteria.

II.C. PROCEDURES TO PREVENT HAZARDS

II.C.2. INSPECTION SCHEDULE: 264.15, 270.14(b)(5), 265.377(a)(3)

The inspection schedule included as Table VIII-1 of the Application does not address inspection of Subpart X containment and control devices. Revise the schedule to ensure that performance of activated carbon and other control devices are appropriately monitored, maintained, and replaced when necessary.

II.C.4. GENERAL HAZARD PREVENTION: 270.14(b)(8)

PERSONNEL PROTECTION PROCEDURES: 270.14(b)(8)(v)

The Application does not identify personnel safety precautions necessary for routine operation of Subpart X units. **Revise** the Application to identify any personnel protection requirements associated with these units (e.g., entry into nitrogen blanketed Drum Processing Tower).

II.F. CLOSURE AND POST-CLOSURE PLAN

II.F.1. CLOSURE PLAN DOCUMENTATION: 264.112(b)(4), 264.114

The Application does not include adequate description of closure of Subpart X units. Revise the Application to describe procedures for removal or decontamination of hazardous waste residues, equipment, structures, etc. associated with these units.

III.B. ENVIRONMENTAL PERFORMANCE STANDARDS FOR MISCELLANEOUS UNITS

III.B.1 QUANTITY AND PHYSICAL AND CHEMICAL CHARACTERISTICS OF THE WASTE AND PRODUCTS OF COMBUSTION 264.601(a)(1), 264.601(b)(1), 270.23

The Application does not adequately describe the types of waste treated in Subpart X units. See Comment II.B.1.

III.C. AIR QUALITY ASSESSMENTS

III.C.1. VOLUME AND PHYSICAL AND CHEMICAL CHARACTERISTICS OF THE WASTE IN THE UNIT: 270.23(b), 264.601(c)(1)

The Application does not provide adequate information on the wastes placed in the unit in order to evaluate the potential for dispersal of gases, aerosols, and particulate. ~~See also Comment II.B.1~~. Revise the Application to provide physical and chemical characteristics of the waste. As a minimum, identify the major liquid components of the wastes handled in the Subpart X units and the approximate concentrations of each. Include within this list the major volatile/toxic components contained in the wastes. These components should represent a reasonable worst case situation. This information will serve as an aid in estimating the emissions from the units. **See II.B.1.**

III.C.2. EFFECTIVENESS AND RELIABILITY OF SYSTEMS AND STRUCTURES TO REDUCE OR PREVENT EMISSIONS: 264.601(c)(2), 270.23(d)

The Application does not provide sufficient information on emission control devices for Subpart X units. **Provide** data establishing the effectiveness and reliability of any structures or systems used to reduce or prevent emissions. The description of the emission control devices should include quantitative efficiencies (design efficiencies will be acceptable), monitoring devices, associated maintenance and frequency of inspection.

III.C.3. OPERATING CONDITIONS OF THE UNIT: 264.601(c)(3)

The Application does not provide an adequate discussion of the operating conditions for the Subpart X units. **Provide** a discussion of any procedures used to minimize the impact of emissions from operation of each unit.

III.C.5 EXISTING AIR QUALITY (TOXIC POLLUTANTS) AND OTHER SOURCES OF CONTAMINATION: 264.601(c)(5)

The Application does not include any general ambient air quality conditions. **Revise** the Application to include ambient air quality conditions including any other sources of similar emissions within 10 km of the site. Such monitoring data may be available from governmental environmental agencies.

III.C.6. POTENTIAL IMPACTS TO HUMAN HEALTH AND THE ENVIRONMENT: 264.601(c)(6) p. 298

The Application does not provide adequate assessment of potential impacts of exposure of employees and off-site populations to waste components in emissions. Page D-75 of the Application indicates that releases to the air are considered a "Low to Moderate" risk pathway. However, there is no further information provided to support this position. Based on the composition of the wastes treated in the units, the properties (especially vapor pressure) of the compounds involved, and the unspecified efficiency of the containment and control systems, emissions from these units must be estimated. Dispersion modeling must then be performed to establish ambient concentrations, and these concentrations compared to accepted exposure parameters or used as input to a screening risk assessment. **Provide** this information.

III.C.6a. SCREENING ASSESSMENT: 264.601 (c) and 264.602 298 2.9

The Application does not provide a specific description of the types of waste processed in the Subpart X units. **Revise** the Application to identify the types and maximum quantities of each type of waste to be processed. See II.B.1.

The Application does not provide any amounts of pollutants emitted from Subpart X units. Revise the Application to provide quantitative estimates of emissions from each Subpart X unit. Present the data in terms of mass of pollutant emitted per mass of material treated. Describe how the emissions are released to the atmosphere. Describe in detail the method of determining these figures. If estimated by a computer model, describe the model and the assumptions and methods of calculation used. If the emission estimates are based on test data, describe the test completely. Such items as the type and amount of waste treated during the test, the method of sampling and the

method of analyzing for the pollutants must be described. **Provide** complete results of the test.

The Application does not include downwind concentrations of each known or suspected hazardous waste constituent emitted. Revise the Application to provide the maximum on-site and the maximum off-site ambient concentration of pollutants resulting from these operations. Describe in detail the dispersion model used, including a discussion of the potential for inaccuracy when using existing dispersion models. The description must include;

- Justification of the choice of model;
- Listing of source data input to model;
- Description of or listing of meteorological data used including:
  - Source of data (identity and location of met station)
  - Years covered (at least 1 year if on-site, at least 5 years if off-site), and
  - Justification of choice of data, location and years;
- Description of receptor grid layout:
  - Locations of any sensitive off-grid receptors used,
  - Description of terrain in vicinity of source, and
  - Copy of topographic map locating source and receptors; and
- Identification of the location of the maximum annual average off-site concentration.

A worst-case estimate may be produced using computer models such as TSCREEN or SCREEN3. These models calculate the maximum one hour average concentrations downwind of the facility. If the maximum one hour average concentration is shown to be acceptable, it would not be necessary to perform the more detailed modeling to calculate the maximum annual average concentration.

Provide a comparison of the maximum average concentration found to the appropriate ambient standards (i.e., National Ambient Air Quality Standards, State or local Ambient Air Quality Standards, National Emission Standards for Hazardous Air Pollutants; RCRA RFI Guidance; IRIS Database or 40 CFR 266 Appendix IV and V).

If the comparison above shows that the maximum annual ambient concentration is above any of the applicable standards, a risk assessment must be performed and the results thereof described. The risk assessment must address the following subjects:

- Urban/rural characterization of the area;
- Population density;
- Land use in nearby areas;
- Sensitive receptors within a 69 km radius;

- Estimate of number of exposed individuals including those living and working on premises; and
- Calculation of lifetime cancer risk from the calculated exposures and a 70 year exposure period. U.S. EPA's guidance on risk assessment for Superfund and RFIs should be used for these calculations.

III.D. POTENTIAL PATHWAYS OF EXPOSURE

III.D.1. POTENTIAL HUMAN AND ENVIRONMENTAL RECEPTORS: 270.23

Provide further information on the potential pathways of exposure of humans or environmental receptors to hazardous wastes or hazardous constituents and on the potential magnitude and nature of such exposures. Based on current and future land use, consider the following:

- Both short-term and long-term exposure receptors, and receptors of indirect exposure;
- Locations of receptors relative to the site: and
- Sensitive populations such as children, elderly people and endangered species.

III.D.2. POTENTIAL EXPOSURE PATHWAYS: 270.23(c), Risk Assessment Guidance for Superfund, and RFI Guidance

Provide a discussion of potential exposure pathways. Include the following in the discussion:

- All possible release sources, their characteristics, quantities, and duration;
- Identify possible release mechanisms (e.g., volatilization, fugitive dust, particulate emissions);
- Identify all potential receiving media (e.g., air, surface water, groundwater, soil, sediment, and biota)
- Identify the expected fate and transport in that media;
- Identify exposure points, both off- and on-site, at which potential human or environmental receptors may contact a receiving media; and
- Identify all probable exposure routes.

NOTICE OF DEFICIENCY
GENERAL APPLICATION

II. PART B GENERAL INFORMATION REQUIREMENTS

II.A.1. GENERAL DESCRIPTION: 270.14(b)(1)

The Application does not provide an adequate description of the facility location. Revise the description of the facility location to include the distance from major population centers, the surrounding land uses, and a general topographic description of the area.

II.A.2. TOPOGRAPHIC MAP:270.14(b)(19)

Map # B-1, identified as a USGS map, is not a USGS map. Furthermore, the map does not include a date and does not identify the location of the facility. **See Comment I.A.**

The topographic maps, Map # B-1 and Map #B-5, are inadequate. **Revise** the maps to incorporate the following requirements.

- Map # B-5, identified as a topographic map, includes no contours and is not a topographic map. The map(s) must include contours sufficient to show surface water flow in the vicinity of and from each operational unit (e.g., contours of 5 feet if relief is greater than 20 feet, 2 foot intervals if the relief is less than 20 feet). The elevations provided on Map #B-1 are not consistent with the spot elevations identified on Map # B-5. **Revise** these maps to resolve this inconsistency.

- The map(s) must include surrounding land uses and legal boundaries of the facility site. None of the maps clearly identify surrounding land uses. The Indiana Harbor Canal referenced on page B-4 of the text is not clearly identified on Map # B-1 as indicated. The Site Plan, Map # B-2-97, appears to depict a surrounding fence. However, this is not identified as the legal boundary of the facility.

II.C. PROCEDURES TO PREVENT HAZARDS

II.C.2. GENERAL INSPECTION REQUIREMENTS: 270.14(b)(5), 264.15(a)

TYPES OF PROBLEMS TO BE CHECKED: 264.15(b)(3)

The inspection schedule presented in Table VIII-1 does not specify the number of each piece of required equipment. **Revise** the inspection schedule to identify both the type and number of each piece of equipment to be inspected.

SCHEDULE OF REMEDIAL ACTION: 264.15(d)

The Application does not provide sufficient explanation of remedial actions to be taken when deterioration or malfunction of equipment or structures is noted during inspection. Revise the Application to discuss how and when deterioration or malfunction of equipment or structures will be remedied. **Identify** who will be responsible for ensuring proper action is taken. **Provide** a statement that where a hazard is imminent or has already occurred, remedial action must be taken immediately.

II.F. CLOSURE PLANS, POST-CLOSURE PLANS, AND FINANCIAL REQUIREMENTS:

II.F.1. CLOSURE PLAN DOCUMENTATION : 264.112(b)(4), 264.114

METHODS FOR SAMPLING AND TESTING SOILS: 264.112(b)(4), 264.114

The Application does not identify or reference sampling techniques (EPA, ASTM, or other EPA recognized standard methods) to be used to collect samples. **Revise** the Application to identify the appropriate procedures.

CRITERIA FOR DETERMINING DECONTAMINATION LEVELS: 264.112(b)(4), 264.114

The Application does not provide adequate justification for the use of action levels provided in Table I-2 on page I-15. Unless a health-effects based rationale can be provided for proposing cleanup levels above non-detectable levels, all hazardous constituents must be removed to non-detectable levels. **Revise** the Application to provide the rational for using three standard deviations above mean background and PQL's as the action level for the appropriate analytical parameters.

Page I-14 of the Application indicates action levels are based upon background data. **Revise** the Application to include documentation that background soil samples have been/will be collected in similar geological strata in areas removed from possible hazardous constituent contamination at the facility.

DESCRIPTION OF CLOSURE SCHEDULE: 264.112(b)(6), 264.113

The closure schedule provided in Appendix I.1 is not adequate. **Include** a schedule for closure of each hazardous waste management unit as well as for final closure of the facility. The schedule must include the total time required to close each hazardous waste management unit and the time required for intervening closure activities.

POLLUTION CONTROL INDUSTRIES
EAST CHICAGO, INDIANA
EPA ID NO.IND000646943

40CFR 264.1080 Subpart CC
AIR EMISSIONS STANDARDS FOR TANKS AND CONTAINERS.
NOTICE OF DEFICIENCIES

GENERAL COMMENTS

The USEPA , WPTD has reviewed the application for compliance with 40 CFR 264 Subpart CC as the State of Indiana has not been authorized to administer these rules. Specifically, the tanks and container storage at the facility are impacted by the regulatory requirements under this statutes.

In general ,the application covers the major information requirements found in the federal code of federal regulations (CFR) but it lacks the detail necessary to demonstrate compliance with regulations. In many cases the application simply restates the federal regulation in a sentence or in a short paragraph. Detailed discussion pertaining to the facility is lacking in the application. Specifically,based on the review, the application has been found to be deficient due to the following :

TANKS

1) VAPOR PRESSURE ESTIMATION OF CONTENTS: PCI has not demonstrated that the hazardous waste is managed in the thirty one (31) tanks as per the requirements of 40CFR264.1084(b)1, the tanks are designed to hold the contents within the vapor pressure limitations.

2) TANKS " LEVEL OF CONTROL" FOR EMISSIONS.: Table I of the subpart CC section of the application lists the tanks and the respective air pollution controls employed. It is not clear as to the bases for using the control methods. The criteria for using Level1 or Level 2 controls should be described in detail in accordance with 40CFR264.1084(c) and 40CFR264.1084(d).

3) AIR POLLUTION CONTROL DEVICE: In the Subpart CC section of the application, Table I identifies the Tanks and their respective air pollution controls. Only nineteen (19) in Areas 1,2,and 3 out of the thirty one (31) tanks are listed in the table. Please explain the reason for the omission of the other twelve (12) tanks in Areas 4,5 and 7 and describe the type of emission controls as appropriate and as required per 40 CFR 264.1084(c).

4) WASTE DETERMINATION PROCEDURES : Alternatively, in reference to (3) above PCI must determine the average volatile organic (VO) concentration for hazardous waste that is exempted under the provisions of 40 CFR 264.1082(a)(1) from installing air pollution control devices. The procedure for determination of the VO must be in acordance with those outlined under 40 CFR 264.1083.

5) INSPECTION and MONITORING PLAN :PCI must develop and implement a written plan and schedule in accordance with the applicable reqiurements of 40 CFR264.1084. . This plan and schedule shall be incorporated into facility inspection plan which is required under 40 CFR 264.15.

6) **RECORDKEEPING:** Please provide example or sample of records that will be maintained for tanks and associated closed-vent systems and control devices in accordance withthe applicable reqiurements of 40CFR 264.1089(b) and (e)

CONTAINERS

1) AIR POLLUTION CONTROL: It is not clear from the narrative for containers as to how air emissions from the containers storing volatile organics will be captured and controlled before being vented to the atmosphere. Pursuant to 40CFR 264.1082(a) and (b), PCI must demonstrate that air pollutant emissions from each waste management unit will be controlled in accordance with standards specified in 40 CFR264.1084 through 40CFR 264.1087. Depending on the size of the container,PCI must demonstrate that the air pollutant emissions are controlled in accordance with Container Level 1,2 or 3 standards as specified under 40 CFR 264.1086(b), (c), (d) or (e) as appropriate.

2) MEASUREMENTS TO ASSURE NO DETECTABLE ORGANIC EMISSIONS. PCI must show that procedures are in place to assure that containers are operated with no detectable organic emissions to comply with 40 CFR 264.1086(d)(i)(ii). Appropriate checks, inspections and tests need to be incorporated in the Inspection and Monitoring plan to comply with 40 CFR 264.1086(g)(1) and (2).

3) TEST METHODS: The test methods for measurements of organic emissions shall be in accordance with 40 CFR 264.1086(h) and shall be incorporated into facility Inspection and monitoring plan .

4) INSPECTION AND MONITORING PLAN: PCI must develop and implement a written plan and schedule in accordance with the applicable requirements of 40 CFR 264.1088. This plan and schedule shall be incorporated into the facility inspection plan which is required under 40 CFR 264.15.

5) RECORDKEEPING REQUIREMENTS: PCI must indicate that it has a recordkeeping routine in place to comply with the reqiurements of 40CFR 264.1089. Examples of the recodkeeping logs and forms should be submitted in the response.

POLLUTION CONTROL INDUSTRIES
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